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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SUSAN ELIZABETH CUMMINS,) No. C 09-4007 MMC (PR)
11 Petitioner,)
12 v.) **ORDER OF DISMISSAL;**
13 PAUL COPENHAVER, Warden,) **DENYING LEAVE TO**
HARLEY LAPPIN, Director, BOP,) **PROCEED IN FORMA**
14 Respondents.) **PAUPERIS**
15 _____) **(Docket No. 2)**

16 On August 28, 2009, petitioner, a federal prisoner incarcerated at Camp Parks, in
17 Dublin, California, and proceeding pro se, filed the above-titled petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2241. That same date, the Court notified
19 petitioner in writing that the action was deficient due to petitioner's failure to pay the
20 requisite filing fee or, instead, to submit a completed court-approved in forma pauperis
21 ("IFP") application. Specifically, in said notice, petitioner was advised that she must
22 submit a Certificate of Funds in Prisoner's Account completed and signed by an
23 authorized officer at the prison, and must attach a copy of her prisoner trust account
24 statement showing transactions for the last six months. Petitioner was further advised
25 that her failure to pay the filing fee or, alternatively, to file a completed IFP application,
26 within thirty days, would result in dismissal of the action. Along with said notice,
27 petitioner was sent a copy of the court-approved prisoner's IFP application, instructions
28 for completing it, and a return envelope.


1 More than thirty days have passed since the deficiency notice was sent to
2 petitioner, and she has neither filed a completed IFP application nor paid the filing fee.
3 Accordingly, the above-titled action is hereby DISMISSED without prejudice.
4 Additionally, the incomplete application to proceed in forma pauperis is hereby DENIED
5 and no fee is due.

6 This order terminates Docket No. 2.

7 The Clerk shall close the file.

8 IT IS SO ORDERED.

9 DATED: October 13, 2009

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11 MAXINE M. CHESNEY
12 United States District Judge
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